

1 personnel package and Administrative Investigations, and the information contained
 2 therein, in recognition of the protections granted pursuant to Penal Code § § 832.5,
 3 832.7, and 832.8 and 1040 et al. of the California Evidence Code.

4 6. The federal courts have recognized the strong interest in protecting the
 5 dissemination of an officer's personal information in civil litigation. (See *Dowling v.*
 6 *American Hawaii Cruises, Inc.*, 971 F.2d 423 (9th Cir. 1992); *Kerr v. United States*
 7 *District Court*, 511 F.2d 192 (9th Cir. 1975; aff. 426 U.S. 394, 96 S.Ct. 2119, 48
 8 L.Ed.2d 725 (1976)); *Sanchez v. City of Santa Ana*, 936 F.2d 1027, 1033 (9th Cir.
 9 1991); *Soto v. City of Concord*, 162 F.R.D. 603, 613 (N.D. Cal. 1995); *Martinez v.*
 10 *Stockton*, 132 F.R.D. 677 (E.D. Cal. 1990); *Kelly v. City of San Jose*, 114 F.R.D. 653
 11 (N.D. Cal. 1987); *United States v. Zolin*, 491 U.S. 554, 562, 109 S.Ct. 2619, 2625, 105
 12 L.Ed.2d 469 (1989); and *Miller v. Pancucci*, 141 F.R.D. 292, 297-298 (C.D. Cal.
 13 1992).)

14 **TERMS OF THE PROTECTIVE ORDER**

15 7. If the Protective Order is issued, Defendants will produce the
 16 above-referenced information and the supplemental discovery response will be marked
 17 in one of the following ways: "Confidential," "Confidential Documents,"
 18 "Confidential Material," "Subject to Protective Order" or words of similar effect.
 19 Documents, writings, or other tangible items, so designated, and all information
 20 derived therefrom (hereinafter, collectively referred to as "Confidential Information"),
 21 shall be treated in accordance with the terms of this stipulation and protective order.

22 8. Confidential Information may be used by the persons receiving such
 23 information only for the purpose of attempting to locate and serve former LAPD
 24 Officer Alejandro Arredondo with the First Amended Complaint and Summons and/or
 25 a deposition subpoena (F.R.C.P. 45).

26 9. Subject to the further conditions imposed by this stipulation, Confidential
 27 Information may be disclosed only to the following persons:

28 (a) Counsel for the Plaintiff, his process server and investigator.

1 10. Any proof of service which is filed and which contains any protected
2 information will be sealed by way of this Stipulation and Protective Order to be issued
3 by the Court.

4 11. Upon the final termination of this litigation in either the United States
5 District Court (Central District of California), the Ninth Circuit Court of Appeals or
6 Los Angeles County Superior Court, all Confidential Information and all copies
7 thereof shall be returned to the Los Angeles City Attorney's Office within fourteen (14)
8 calendar days along with written confirmation from Plaintiff's counsel that all materials
9 are being returned pursuant to the terms of this Stipulation and the District Court's
10 order on this Stipulation.

11 12. If Plaintiff's counsel receives a subpoena or other request seeking
12 Confidential Information identified herein, he or she shall immediately give written
13 notice to the Defendants' counsel, identifying the Confidential Information sought and
14 the time in which production or other disclosure is required, and shall object to the
15 request or subpoena on the grounds of this stipulation so as to afford the Defendants an
16 opportunity to obtain an order barring production or other disclosure, or to otherwise
17 respond to the subpoena or other request for production or disclosure of Confidential
18 Material. Other than objecting on the grounds of this stipulation, no party shall be
19 obligated to seek an order barring production of Confidential Information, which
20 obligation shall be borne by the Defendants. However, in no event should production
21 or disclosure be made without written approval by the Defendants' counsel unless
22 required by court order arising from a motion to compel production or disclosure of
23 Confidential Information.

24 13. Any pleadings, motions, briefs, declarations, stipulations, exhibits or other
25 written submissions to the Court in this litigation which contain, reflect, incorporate or
26 refer to Confidential Information shall be **submitted with an application that the**
27 **document be filed and maintained under seal either pursuant to Ex Parte**
28 **Application and Order of the Court or Stipulation of the parties and Order of the**

1 **Court. (Local Rule 79-5, et seq.). Good cause for the under seal filing must be**
 2 **shown.** If a document or pleading submitted to the Court, as described in this
 3 paragraph, makes only a general reference to any document or information contained
 4 therein covered by this protective order, but does not quote or describe its contents in
 5 any specific way, and does not include the protected document itself, then the party or
 6 parties need not enter into a Stipulation or otherwise seek an order to file the
 7 documents under seal. **In entering into a Stipulation for the filing of Confidential**
 8 **Information under seal, neither one of the parties waives its right to object to the**
 9 **admissibility of said information in connection with that proceeding or to move to**
 10 **exclude said information prior to or during the time of trial.**

11 14. The parties agree that the spirit of confidentiality as protected in this order
 12 will apply to all proceedings. To that end, before any protected document or any
 13 information derived therefrom is to be put forward, admitted into evidence, discussed
 14 in detail or otherwise publicized in Court, the party raising the protected document will
 15 inform the other parties and allow for a motion to the Court to close the proceedings to
 16 the public.

17 15. Nothing herein shall prejudice any party's rights to object to the
 18 introduction of any Confidential Information into evidence, on grounds including but
 19 not limited to relevance and privilege.

20 16. During the course of depositions, when counsel makes an objection to a
 21 question concerning a protected document or information contained therein, which is
 22 the subject of this Stipulation and protective order, or concerning a general area that
 23 counsel believes should be covered by the scope of this Stipulation and protective
 24 order, those witnesses (as identified in Paragraph 3(a) herein) may answer the question,
 25 without waiving the objections, and the questions and answers to those questions will
 26 be sealed and covered by the terms of this protective order. Counsel and the parties
 27 reserve the right to object to the disclosure of confidential or private information which
 28 is not the subject of this Stipulation and protective order. Any documents deemed

1 confidential pursuant to this protective order will be sealed, if they are used as exhibits
2 in any deposition. This agreement does not waive any objections counsel may make,
3 including objections unrelated to the reasons for this protective order.

4 17. Each person receiving or reviewing Confidential Information must
5 consent to the jurisdiction of the United States District Court for the Central District of
6 California, including the Magistrate Judge assigned to this case, with respect to any
7 proceeding relating to enforcement of this Order, including, without limitation, any
8 proceeding for contempt and/or monetary sanctions

9 **18. Plaintiff agrees to meet and confer with defense counsel no later than**
10 **45 days prior to the Pre-Trial Conference with regard to any intention to attempt**
11 **to introduce confidential information at the time of trial.**

12 19. This Stipulation may be signed in sub-parts and may be transmitted by
13 facsimile as if it was the original document. Defendants will lodge this executed
14 Stipulation with the Court for approval.

15 ***IT IS SO ORDERED.***

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17 Dated: December 22, 2014

18 By: /S/ FREDERICK F. MUMM
19 **HONORABLE FREDERICK F. MUMM**
20 **UNITED STATES MAGISTRATE JUDGE**
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